

State of Hawai‘i
Office of Hawaiian Affairs
Native Rights, Land and Culture Division
Native Rights

Request for Proposals
RFP NO. OHA 06-02
Statewide Legal Services Program

October 6, 2006

Note: If this RFP was downloaded from the State Procurement Office RFP Website, each applicant must provide contact information to the RFP contact person for this RFP to be notified of any changes. For your convenience, you may download the [RFP Interest form](#), complete and e-mail or mail to the RFP contact person. The State shall not be responsible for any missing addenda, attachments or other information regarding the RFP if a proposal is submitted from an incomplete RFP.

October 6, 2006

REQUEST FOR PROPOSALS

STATEWIDE LEGAL SERVICES AND REPRESENTATION FOR OHA'S BENEFICIARIES RFP No. OHA 06-02

The Office of Hawaiian Affairs (OHA) is requesting proposals from qualified applicants to provide OHA's beneficiaries with statewide legal services and representation. Services may include, but are not limited to, the assertion and defense of quiet title actions, ahupua'a and kuleana tenant rights, other traditional and customary practices, protection of culturally significant places, and land title assistance. The contract term will be from approximately December 1, 2006 to June 30, 2007, pending the continued availability and appropriation of funds. Only one contract will be awarded under this request for proposals.

Proposals shall be mailed, postmarked by the United States Postal Service (USPS) on or before November 3, 2006, and received no later than 10 working days from the submittal deadline. Hand delivered proposals shall be received no later than 4:30 p.m., Hawai'i Standard Time (HST), on November 3, 2006, at the main office of the Office of Hawaiian Affairs located at 711 Kapi'olani Boulevard, Suite 500, Honolulu, Hawai'i 96813. Proposals postmarked or hand delivered after the submittal deadline shall be considered late and rejected. Proposals will not be accepted by fax or electronic submission. There are no exceptions to these requirements.

OHA's Native Rights staff will conduct an orientation on Thursday, October 12, 2006 from 10:00 a.m. to 12:00 noon HST, at OHA's main office. All prospective applicants are encouraged to attend the orientation.

The deadline for submission of written questions regarding this RFP is 4:30 p.m., HST, on October 16, 2006. All written questions will receive a written response from OHA on or about October 23, 2006.

Inquiries regarding this RFP should be directed to the RFP contact person at OHA, Heidi Guth at 711 Kapi'olani Blvd., Ste. 500, Honolulu, Hawai'i 96813, telephone: (808) 594-1962, fax: (808) 594-1865, e-mail: heidig@oha.org. Hard copies of the RFP will be available for pickup at the above office site beginning October 6, 2006, or will be mailed to prospective applicants upon request. OHA will not provide copies electronically or by fax.

PROPOSAL MAIL-IN AND DELIVERY INFORMATION SHEET

NUMBER OF COPIES TO BE SUBMITTED: Original plus 3 copies

ALL MAIL-INS SHALL BE POSTMARKED BY THE UNITED STATES POSTAL SERVICE (USPS) NO LATER THAN **November 3, 2006** and received by the **Office of Hawaiian Affairs** no later than 10 working days from the submittal deadline.

All Mail-ins

**Office of Hawaiian Affairs
711 Kapi'olani Blvd.,
Suite 500
Honolulu, Hawai'i 96813**

OHA RFP Coordinator

Heidi Guth

For further information or
inquiries:

Phone: (808) 594-1962

Fax: (808) 594-1865

E-mail: heidig@oha.org

ALL HAND DELIVERIES SHALL BE ACCEPTED AT THE FOLLOWING SITE UNTIL **4:30 P.M., Hawaii Standard Time (HST), November 3, 2006**. Deliveries by private mail services such as FEDEX shall be considered hand deliveries. Hand deliveries shall not be accepted if received after 4:30 p.m., **November 3, 2006**.

Drop-off Site:

Office of Hawaiian Affairs
711 Kapi'olani Blvd., Suite 500
Honolulu, Hawai'i 96813

RFP Table of Contents

Section 1 Administrative Overview

I.	Procurement Timetable	1-1
II.	Website Reference	1-2
III.	Authority	1-2
IV.	RFP Organization.....	1-2
V.	Contracting Office	1-3
VI.	Orientation	1-3
VII.	Submission of Questions.....	1-4
VIII.	Submission of Proposals	1-4
IX.	Discussions with Applicants	1-6
X.	Opening of Proposals.....	1-6
XI.	Additional Materials and Documentation.....	1-7
XII.	RFP Amendments	1-7
XIII.	Final Revised Proposals.....	1-7
XIV.	Cancellation of Request for Proposal	1-7
XV.	Costs for Proposal Preparation.....	1-7
XVI.	Provider Participation in Planning	1-7
XVII.	Rejection of Proposals	1-7
XVIII.	Notice of Award.....	1-8
XIX.	Protests	1-8
XX.	Availability of Funds	1-9
XXI.	Monitoring and Evaluation	1-9
XXII.	Conditions of the Contract.....	1-9
XXIII.	Cost Principles	1-10

Section 2 - Service Specifications

I.	Introduction.....	2-2
	A. Overview, Purpose or Need	2-2
	B. Description of the Goals of the Service	2-3
	C. Description of the Target Population to be Served	2-3
	D. Geographic Coverage of Service	2-3
	E. Probable Funding Amounts, Source, and Period of Availability.	2-3
II.	General Requirements.....	2-3
	A. Specific Qualifications or Requirements	2-3
	B. Secondary Purchaser Participation	2-4
	C. Multiple or Alternate Proposals	2-4
	D. Single or Multiple Contracts to be Awarded	2-4
	E. Single or Multi-Term Contracts to be Awarded	2-4
	F. RFP Contact Person	2-4
III.	Scope of Work	2-5
	A. Service Activities	2-5
	B. Management Requirements	2-5

IV.	Facilities.....	2-8
-----	-----------------	-----

Section 3 - Proposal Application Instructions

	General Instructions for Completing Applications	3-2
I.	Program Overview	3-3
II.	Experience and Capability	3-3
	A. Necessary Skills	3-3
	B. Experience.....	3-3
	C. Quality Assurance and Evaluation.....	3-3
	D. Coordination of Services.....	3-3
	E. Facilities	3-3
III.	Project Organization and Staffing.....	3-4
	A. Staffing.....	3-4
	B. Project Organization	3-4
IV.	Service Delivery.....	3-4
V.	Financial.....	3-5
	A. Pricing Structure	3-5
	B. Other Financial Related Materials	3-5
VI.	Other	3-5
	A. Litigation.....	3-5

Section 4 – Proposal Evaluation

I.	Introduction.....	4-1
II.	Evaluation Process	4-1
III.	Evaluation Criteria	4-2
	A. Phase 1 – Evaluation of Proposal Requirements	4-2
	B. Phase 2 – Evaluation of Proposal Application.....	4-2
	C. Phase 3 – Recommendation for Award	4-5

Section 5 – Attachments

Attachment A.	Competitive Proposal Application Checklist
Attachment B.	Sample Proposal Table of Contents
Attachment C.	Sample of OHA Contract

Section 1

Administrative Overview

Section 1

Administrative Overview

Applicants are encouraged to read each section of the RFP thoroughly. While sections such as the administrative overview may appear similar among RFPs, state purchasing agencies may add additional information as applicable. It is the responsibility of the applicant to understand the requirements of *each* RFP.

I. Procurement Timetable

Note that the procurement timetable represents OHA's best estimated schedule. Contract start dates may be subject to the issuance of a notice to proceed.

<u>Activity</u>	<u>Scheduled Date</u>
Public notice announcing RFP	10/06/2006
Distribution of RFP	10/06/2006 to 11/03/2006
RFP orientation session	10/12/2006
Closing date for submission of written questions for written responses	10/16/2006
OHA's response to applicants' written questions	10/23/2006
Discussions with applicants prior to proposal submittal deadline (optional)	10/09/2006 to 11/02/2006
Proposal submittal deadline	11/03/2006
Discussions with applicants after proposal submittal deadline (optional)	11/06/2006 to 11/10/2006
Final revised proposals (optional)	11/15/2006
Proposal evaluation period	11/14/2006 to 11/20/2006
Provider selection	11/21/2006
Notice of statement of findings and decision	11/22/2006
Contract start date	12/01/2006

II. Website Reference

The State Procurement Office (SPO) website is www.spo.hawaii.gov

For	Click
1 Procurement of Health and Human Services	"Health and Human Services, Chapter 103F, HRS..."
2 RFP website	"Health and Human Services, Ch. 103F..." and "RFPs"
3 Hawaii Administrative Rules (HAR) for Procurement of Health and Human Services	"Statutes and Rules" and "Procurement of Health and Human Services"
4 Forms	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Forms"
5 Cost Principles	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Cost Principles"
6 Protest Forms/Procedures	"Health and Human Services, Ch. 103F..." and "For Private Providers" and "Protests"

Non-SPO websites

(Please note: website addresses may change from time to time. If a link is not active, try the State of Hawai'i website at www.hawaii.gov)

For	Go to
7 Tax Clearance Forms (Department of Taxation Website)	http://www.hawaii.gov/tax/ click "Forms"
8 Wages and Labor Law Compliance, Section 103-055, HRS, (Hawaii State Legislature website)	http://www.capitol.hawaii.gov/ click "Bill Status and Documents" and "Browse the HRS Sections."
9 Department of Commerce and Consumer Affairs, Business Registration	http://www.hawaii.gov/dcca click "Business Registration"
10 Campaign Spending Commission	www.hawaii.gov/campaign

III. Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (HRS), Chapter 103F and its administrative rules. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective applicant shall constitute admission of such knowledge on the part of such prospective applicant.

IV. RFP Organization

This RFP is organized into five sections:

Section 1, Administrative Overview – Provides applicants with an overview of the procurement process.

Section 2, Service Specifications – Provides applicants with a general description of the tasks to be performed, delineates applicant responsibilities, and defines deliverables (as applicable).

Section 3, Proposal Application Instructions – Describes the required format and content for the proposal application.

Section 4, Proposal Evaluation – Describes how proposals will be evaluated by the state purchasing agency.

Section 5, Attachments – Provides applicants with information and forms necessary to complete the application.

V. Contracting Office

The Contracting Office is responsible for overseeing the contract(s) resulting from this RFP, including system operations, fiscal agent operations, and monitoring and assessing provider performance. The Contracting Office is:

Office of Hawaiian Affairs

Phone (808) 594-1962 Fax: (808) 594-1865

VI. Orientation

An orientation for applicants in reference to the request for proposals will be held as follows:

Date: October 12, 2006 **Time:** 10:00 am to 12:00 noon

Location: 711 Kapi'olani Blvd., Ste. 500, Honolulu, Hawai'i 96813

Applicants are encouraged to submit written questions prior to the orientation. Impromptu questions will be permitted at the orientation and spontaneous answers provided at OHA's discretion. However, answers provided at the orientation are only intended as general direction and may not represent OHA's position. Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation, but no later than the submittal deadline for written questions indicated in the next paragraph (VII. Submission of Questions).

VII. Submission of Questions

Applicants may submit questions to the RFP Contact Person identified in Section 2 of this RFP. All written questions will receive a written response.

Deadline for submission of written questions:

Date: October 16, 2006 **Time:** 4:30 P.M. HST

OHA responses to applicant written questions will be provided by:

Date: October 23, 2006

VIII. Submission of Proposals

A. Forms/Formats – Forms, with the exception of program-specific requirements, may be found on the State Procurement Office website (See page 1-2, Websites Referred to in this RFP). Refer to the Proposal Application Checklist for the location of program specific forms.

1. **Proposal Application Identification (Form SPO-H-200)** – Provides identification of the proposal.
2. **Proposal Application Checklist** – Provides applicants with information on where to obtain the required forms, information on program-specific requirements, which forms are required and the order in which all components should be assembled and submitted to the state purchasing agency.
3. **Table of Contents** – A sample table of contents for proposals is located in Section 5 of this RFP, Attachments. This is a sample and meant as a guide. The table of contents may vary depending on the RFP.
4. **Proposal Application (Form SPO-H-200A)** – Applicant shall submit comprehensive narratives that address all of the issues contained in the Proposal Application Instructions, including a cost proposal/budget if required. (Refer to Section 3 of this RFP.)
5. **Tax Clearance** – A certified copy of a current, valid tax clearance certificate issued by the State of Hawai'i, Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) will be required at the time of proposal submittal.

Tax clearance application may be obtained from the Department of Taxation website. (See paragraph II, Website Reference.)

- B. Program-Specific Requirements** – Additional program-specific requirements are included in Sections 2 and 3, Service Specifications and the Proposal Application Instructions, as applicable. If Federal and/or State certifications are required, they are listed on the Proposal Application Checklist located in Section 5.
- C. Multiple or Alternate Proposals** – Multiple or alternate proposals shall not be accepted unless specifically provided for in Section 2 of this RFP. In the event alternate proposals are not accepted and an applicant submits alternate proposals, but clearly indicates a primary proposal, it shall be considered for award as though it were the only proposal submitted by the applicant.
- D. Wages and Labor Law Compliance** – Before a provider enters into a service contract in excess of \$25,000, the provider shall certify that it complies with section 103-55, HRS, Wages, hours, and working conditions of employees of contractors performing services. Section 103-55, HRS may be obtained from the Hawaii State Legislature website. (See paragraph II, Website Reference.)
- E. Compliance with all Applicable State Business and Employment Laws** – All providers shall comply with all laws governing entities doing business in the State. Prior to contracting, owners of all forms of business doing business in the state except sole proprietorships, charitable organizations, unincorporated associations, and foreign insurance companies must be registered and in good standing with the Department of Commerce and Consumer Affairs (DCCA), Business Registration Division. Foreign insurance companies must register with DCCA, Insurance Division. More information is on the DCCA website. (See paragraph II, Website Reference.)
- F. Campaign Contributions by State and County Contractors** – Contractors are hereby notified of the applicability of Section 11-205.5, HRS, which states that campaign contributions are prohibited from specified State or county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body. For more information, Act 203/2005 FAQs are available at the Campaign Spending Commission webpage. (See paragraph II, Website Reference.)
- G. Confidential Information** – If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing nondisclosure of designated proprietary data to be confidential and provide justification to support confidentiality. Such data shall accompany the proposal, be clearly

marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

Note that price is not considered confidential and will not be withheld.

H. Proposal Submittal – All mail-ins shall be postmarked by the United States Postal System (USPS) and received by OHA no later than the submittal deadline indicated on the attached Proposal Mail-in and Delivery Information Sheet. All hand deliveries shall be received by OHA by the date and time designated on the Proposal Mail-In and Delivery Information Sheet. Proposals shall be rejected when:

- Postmarked after the designated date; or
- Postmarked by the designated date but not received within 10 working days from the submittal deadline; or
- Submitted by fax, e-mail, website or other electronic means; or
- Submitted on diskette or CD; or
- If hand delivered, received after the designated date and time.

The number of copies required is located on the Proposal Mail-In and Delivery Information Sheet. Deliveries by private mail services such as FEDEX shall be considered hand deliveries and shall be rejected if received after the submittal deadline. Dated USPS shipping labels are not considered postmarks.

IX. Discussions with Applicants

- A. Prior to Submittal Deadline** – Discussions may be conducted with potential applicants to promote understanding of the purchasing agency's requirements.
- B. After Proposal Submittal Deadline** – Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions, in accordance with section 3-143-403, HAR.

X. Opening of Proposals

Upon receipt of proposal by OHA at the designated location, proposals, modifications to proposals, and withdrawals of proposals shall be date-stamped, and when possible, time-stamped. All documents so received shall be held in a secure place by OHA and not examined for evaluation purposes until the submittal deadline.

Procurement files shall be open to public inspection after a contract has been awarded and executed by all parties.

XI. Additional Materials and Documentation

Upon request from OHA, each applicant shall submit any additional materials and documentation reasonably required by OHA in its evaluation of the proposals.

XII. RFP Amendments

OHA reserves the right to amend this RFP at any time prior to the closing date for the final revised proposals.

XIII. Final Revised Proposals

If requested, final revised proposals shall be submitted in the manner, and by the date and time specified by OHA. If a final revised proposal is not submitted, the previous submittal shall be construed as the applicant's best and final offer/proposal. *The applicant shall submit **only** the section(s) of the proposal that are amended, along with the Proposal Application Identification Form (SPO-H-200).* After final revised proposals are received, final evaluations will be conducted for an award.

XIV. Cancellation of Request for Proposal

The request for proposal may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interests of OHA.

XV. Costs for Proposal Preparation

Any costs incurred by applicants in preparing or submitting a proposal are the applicants' sole responsibility.

XVI. Provider Participation in Planning

Provider participation in OHA's efforts to plan for or to purchase health and human services prior to OHA's release of a request for proposals, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals if conducted in accordance with sections 3-142-202 and 3-142-203 of the Hawaii Administrative Rules for Chapter 103F, HRS.

XVII. Rejection of Proposals

OHA reserves the right to consider as acceptable only those proposals submitted in accordance with all requirements set forth in this RFP and which demonstrate an understanding of the problems involved and comply with the

service specifications. Any proposal offering any other set of terms and conditions contradictory to those included in this RFP may be rejected without further notice.

A proposal may be automatically rejected for any one or more of the following reasons: (Relevant sections of the Hawaii Administrative Rules for Chapter 103F, HRS, are parenthesized)

- (1) Rejection for failure to cooperate or deal in good faith. (Section 3-141-201, HAR);
- (2) Rejection for inadequate accounting system. (Section 3-141-202, HAR);
- (3) Late proposals. (Section 3-143-603, HAR);
- (4) Inadequate response to request for proposals. (Section 3-143-609, HAR);
- (5) Proposal not responsive. (Section 3-143-610(a)(1), HAR); and
- (6) Applicant not responsible. (Section 3-143-610(a)(2), HAR).

XVIII. Notice of Award

A statement of findings and decision shall be provided to all applicants by mail upon completion of the evaluation of competitive purchase of service proposals.

Any agreement arising out of this solicitation is subject to the approval of OHA Legal Counsel as to form, and to all further approvals required by statute, regulation, rule, order or other directive.

No work is to be undertaken by the awardee prior to the contract commencement date. OHA is not liable for any costs incurred prior to the official starting date.

XIX. Protests

Any applicant may file a protest against the awarding of the contract. The Notice of Protest form, SPO-H-801, is available on the SPO website. (See paragraph II, Website Reference.) Only the following matters may be protested:

- (1) OHA's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;
- (2) OHA's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and

- (3) OHA's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the state purchasing agency.

The Notice of Protest shall be postmarked by USPS or hand delivered to the Administrator of OHA (as indicated below) within five working days of the postmark of the Notice of Findings and Decision sent to the protestor. Delivery services other than USPS shall be considered hand deliveries and considered submitted on the date of actual receipt by OHA.

Head of State Purchasing Agency	Procurement Officer
Name: Clyde W. Nāmu'o	Name: Heidi Guth
Title: Administrator, OHA	Title: Lead Advocate – Native Rights
Mailing Address: 711 Kapi'olani Blvd., Ste. 500, Honolulu, Hawai'i 967813	Mailing Address: 711 Kapi'olani Blvd., Ste. 500, Honolulu, Hawai'i 967813
Business Address: same	Business Address: same

XX. Availability of Funds

The award of a contract and any allowed renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawai'i, pursuant to Chapter 37, HRS, and subject to the availability of OHA funds.

XXI. Monitoring and Evaluation

The criteria by which the performance of the contract will be monitored and evaluated are:

- (1) Performance/Outcome Measures;
- (2) Output Measures;
- (3) Quality of Care/Quality of Services;
- (4) Financial Management;
- (5) Administrative Requirements; and
- (6) Incorporation of Hawaiian Values in Service Delivery.

XXII. Conditions of Contract

Attachment C in Section 5 contains provisions typically found in OHA's agreements with contractors. The agreement with the Contractor selected for the present project can be expected to contain similar language but modified, expanded, and tailored to the project as appropriate.

XXIII. Cost Principles

To promote uniform purchasing practices among State purchasing agencies procuring health and human services under Chapter 103F, HRS, OHA will utilize standard cost principles outlined in Form SPO-H-201, which is available on the SPO website (see paragraph II, Website Reference). Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.

Section 2

Service Specifications

Section 2

Service Specifications

I. Introduction

A. Overview, purpose or need

The Office of Hawaiian Affairs (OHA), a body corporate existing under the Constitution and laws of the State of Hawai'i, was established after the 1978 Constitutional Convention to better the conditions of all Hawaiians. OHA in turn has sought to assure the existence of a statewide legal services program with the intent that our beneficiaries could receive legal assistance in protecting the rights and entitlements of Native Hawaiians. Such work has included, but not been limited to, the defense or assertion of quiet title actions; ahupua'a and kuleana tenant rights; traditional and customary gathering rights on land, sea and fresh water; protection of culturally significant places; and the practice of religious and cultural traditions. OHA continues to seek to engage a program to provide legal services and representation to OHA beneficiaries on such topics.

The following list is how the legal services program is generally structured and the type of services included:

- Intake
- Information and Referral
- Counseling Services
- Land Title Research
- Genealogical Research
- Case Management
- Follow-up Services
- Legislative and Administrative Monitoring and Testimony
- Administrative Hearings
- Litigation
- Community Outreach and Services

The purpose of this RFP is to procure statewide legal services for OHA's beneficiaries from a service provider that has a statewide service delivery system already in place and is capable of providing these services to Native Hawaiians in an integrated manner.

B. Description of the goals of the service

The legal services program's primary goal is as follows: To provide statewide legal services and representation to OHA's beneficiaries on such topics as the assertion and defense of quiet title actions, ahupua'a and kuleana tenant rights, other traditional and customary practices, protection of culturally significant places, and land title assistance.

C. Description of the target population to be served

The legal services program targets OHA's beneficiaries in need of legal assistance and support, in an effort to protect, defend and assert Native Hawaiian rights to land, natural resources and related entitlements.

D. Geographic coverage of service

Services are targeted to OHA's beneficiaries within the State of Hawai'i and in the continental United States.

E. Probable funding amounts, source, and period of availability

The probable funding amount for the statewide legal services program for State 2007 fiscal year (July 1, 2006 to June 30, 2007) is \$934,604.00. The sources of funding include OHA Trust funds and matching funds from the State Legislature as stipulated in OHA's FY 06-07 Biennium Budget. Future funding, including any increases or decreases, is dependent upon approval by OHA and the State Legislature.

II. General Requirements**A. Specific qualifications or requirements, including but not limited to licensure or accreditation**

Any non-profit or for-profit entity registered to do business in the State of Hawai'i is eligible to submit a proposal in response to this RFP. With their proposals, respondents will be required to submit a Certificate of Good Standing from the State of Hawai'i Department of Commerce and Consumer Affairs, Certificate of Good Standing from the State Department of Labor and Industrial Relations, and a Tax Clearance stamped by both the State of Hawai'i Department of Taxation and the Internal Revenue Services.

Respondents should have experience providing services to Native Hawaiians and will be required to have a statewide service delivery system in place at the time a proposal is submitted. Services must be provided by or under the supervision and direction of attorneys licensed to practice law in the State of Hawai'i.

B. Secondary purchaser participation
(Refer to §3-143-608, HAR)

After-the-fact secondary purchases will be allowed.

Planned secondary purchases – none.

C. Multiple or alternate proposals
(Refer to §3-143-605, HAR)

☐ Allowed ☒ Not allowed

D. Single or multiple contracts to be awarded
(Refer to §3-143-206, HAR)

☒ Single ☐ Multiple ☐ Single & Multiple

Criteria for multiple awards: Not applicable.

E. Single or multi-term contracts to be awarded
(Refer to §3-149-302, HAR)

☒ Single term (≤ 2 yrs) ☐ Multi-term (> 2 yrs.)

Contract terms:

Initial Term of contract: approximately seven (7) months.

Number of possible extensions, as known at this time: zero (0).

Maximum length of contract: seven (7) months, ending June 30, 2007.

The initial period shall commence on the contract start date or Notice to Proceed, whichever is later.

Conditions for extension: availability of funding from OHA and the State Legislature; satisfactory service performance and fiscal management, as determined by progress and financial reports; must be in writing; must be executed prior to expiration.

F. RFP contact person

The individual listed below is the sole point of contact from the date of release of this RFP until the selection of the successful provider or providers. Written questions should be submitted to the RFP contact person and received on or

before the day and time specified in Section 1, paragraph I (Procurement Timetable) of this RFP.

Contact: Heidi Guth, Lead Advocate – Native Rights
Office of Hawaiian Affairs
711 Kapi'olani Blvd, Ste. 500
Honolulu, HI 96813
Phone: (808) 594-1962
Fax: (808) 594-1865
E-mail: heidig@oha.org

III. Scope of Work

The scope of work encompasses the following tasks and responsibilities:

A. Service Activities (Minimum and/or mandatory tasks and responsibilities)

- The assertion and defense of quiet title actions;
- To protect, defend and assert ahupua'a and kuleana tenant rights;
- Land title assistance, including review of title and genealogy;
- Preservation of traditional and customary practices;
- Protection of culturally significant places, including burial sites and material culture;
- Agency advocacy;
- Native Hawaiian Land Trust entitlements;
- Referral of cases in which the provider has a conflict-of-interest; and
- Community outreach and service activities.

B. Management Requirements (Minimum and/or mandatory requirements)

1. Personnel – Principals and Key Staff

- a. Must have appropriate training, experience and education to complete assigned tasks.
- b. Must have cultural knowledge, sensitivity and language capacity.
- c. Must have knowledge, experience and accomplishments within the various components of the legal services system, and show a

willingness to coordinate and cooperate with the various components to assure OHA's beneficiaries the full range of legal assistance.

2. Administrative

Provider will be required to have sufficient personnel to direct and administer a statewide service delivery system.

3. Quality assurance and evaluation specifications

- a. Provider shall have a quality assurance plan in place that will address what standards are used to assess or evaluate the quality and utilization of services, including but not limited to, accessibility for clients statewide, response time, promptness with which assistance is provided or alternatives given, minimization of potential conflicts of interest and effective provision of alternatives and satisfaction of client applicants.
- b. Provider must prove the ability to develop and increase non-OHA resources.

4. Output and performance/outcome measurements

- a. Provider shall report, semi-annually, statistical information regarding caseload, number of new applications, number of referral of cases in which the provider has a conflict-of-interest, number of completions, the number of Hawaiians specifically assisted by the various programs offered, the number of Hawaiians provided services as the result of community outreach activities, and the number and type of community service activities performed by provider personnel.
- b. Provider shall give semi-annual analysis and evaluation of successful and unsuccessful methods of assisting communities and programs, and show that appropriate changes in goals, objectives and strategies are made to assure increased future successes.

5. Experience

Provider will be required to have at least five (5) years of experience in delivering legal services to Hawaiians and in operating and administering a statewide service delivery system.

Applicant shall provide proof of qualifications by demonstrating that the staff shall maintain a competent and credible level of expertise and understanding in each of the following areas:

- a. Knowledge of the Native Hawaiian culture and community, including Hawaiian language, customs, protocols, traditions and issues of concern that may compromise the cultural integrity of the Native Hawaiian community.
- b. Effectiveness in identifying and targeting resources on the most pressing legal needs of the Native Hawaiian community.
- c. Ability to provide continuously available legal advice and representation to clients and to act as counsel on behalf of clients in the assertion and defense of Native Hawaiian land and rights actions.
- d. Proficiency in administrative proceedings, litigation and class action suits, and legislative advocacy, among other methods to ensure that the greatest number of OHA's beneficiaries receive the best and most effective legal assistance and services available, with timeliness and expediency.
- e. Ability to thoroughly, accurately and efficiently complete land title searches and genealogical research. Must have knowledge of document repository locations for each island and knowledge of written Hawaiian language.

6. Coordination of Services

The provider shall demonstrate its capability to coordinate services with other agencies and resources in the community.

7. Reporting requirements for program and fiscal data

The work performed by the provider under the legal services program will be coordinated with the OHA designated representative who will act as the principal liaison between the provider and OHA, assist in resolving policy questions, expedite decisions, and review the work performed.

The provider will be responsible for maintaining close and frequent communication with OHA at all stages of the work performed under the legal services program.

The provider will be required to submit to OHA semi-annual progress and financial reports describing the status of program activities, approximate percentage of work completed to date, and other information required by OHA for its monitoring and evaluation process. Semi-annual reports will be submitted in the appropriate formats and within the deadlines specified by OHA.

Within thirty (30) days after the end of the legal services program contract, the provider will be required to submit final performance and financial expenditure reports, together with a report on any unexpended balance of funds advanced by OHA.

8. Pricing structure or pricing methodology to be used.

OHA has established a fixed price of \$934,604.00 for the legal services contract. With their proposals, applicants will be required to furnish a reasonable estimate of services they can provide for which there is sufficient operating capacity (adequate, planned and budgeted space, equipment and staff).

9. Units of service and unit rate

Not applicable.

10. Method of compensation and payment

Provider will be given an initial payment, which is negotiable, upon the full execution of the legal services contract. Thereafter, OHA will distribute semi-annual payments to the provider upon the receipt of semi-annual progress and financial reports satisfactory to OHA, and the submission of an invoice. The amount of the semi-annual payments is negotiable.

IV. Facilities

In conjunction with having a statewide service delivery system, provider will be required to prove budgetary, administrative and staff ability and experience in effective and efficient Neighbor Island legal coverage.

Section 3

Proposal Application Instructions

Section 3

Proposal Application Instructions

General instructions for completing applications:

- Proposal Applications shall be submitted to OHA using the prescribed format outlined in this section.
- The numerical outline for the application, the titles/subtitles, and the applicant organization and RFP identification information on the top right hand corner of each page should be retained. The instructions for each section, however, may be omitted.
- Page numbering of the Proposal Application should be consecutive, beginning with page one and continuing through for each section. See sample Table of Contents in Section 5, Attachment B of this RFP.
- Proposals may be submitted in a three ring binder (Optional).
- Tabbing of sections (Recommended).
- Applicants must also include a Table of Contents with the Proposal Application. A sample format is reflected in Section 5, Attachment B of this RFP.
- A written response is required for **each** item, unless indicated otherwise. Failure to answer any of the items will impact upon an applicant's score.
- Applicants are **strongly** encouraged to review evaluation criteria in Section 4, Proposal Evaluation when completing the proposal.
- This form (SPO-H-200A) is available on the SPO website (see Section 1, paragraph II, Website Reference). However, the form will not include items specific to each RFP. If using the website form, the applicant must include all items listed in this section.

The Proposal Application comprises the following sections:

- Proposal Application Identification Form
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial
- Other

I. Program Overview

Applicant shall give a brief overview to orient evaluators as to the program/services being offered.

II. Experience and Capability

A. Necessary Skills

The applicant shall demonstrate that it has the necessary skills, abilities and knowledge relating to the delivery of the proposed services.

B. Experience

The applicant shall provide a description of projects/contracts pertinent to the proposed services.

Applicant shall include points of contact, addresses, and e-mail/phone numbers for all project references. OHA reserves the right to contact references to verify experience.

C. Quality Assurance and Evaluation

The applicant shall describe its own plans for quality assurance and evaluation for the proposed services, including methodology.

D. Coordination of Services

The applicant shall demonstrate the capability to coordinate services with other agencies and resources in the community. To demonstrate this capability, OHA recommends the applicant attach letters of support from other agencies and resources with which the applicant is coordinating services.

E. Facilities

The applicant shall provide a description of its facilities and demonstrate its adequacy in relation to the proposed services. If facilities are not presently available, describe plans to secure facilities. Also describe how the facilities meet ADA requirements, as applicable, and special equipment that may be required for the services.

III. Project Organization and Staffing

A. Staffing

1. Proposed Staffing

The applicant shall describe the proposed staffing pattern, client/staff ratio and proposed caseload capacity appropriate for the viability of the services. (Refer to the personnel requirements in the Service Specifications, as applicable.)

2. Staff Qualifications

The applicant shall provide the minimum qualifications (including experience) for staff assigned to the program. (Refer to the qualifications in the Service Specifications, as applicable.)

B. Project Organization

1. Supervision and Training

The applicant shall describe its ability to supervise, train and provide administrative direction relative to the delivery of the proposed services.

2. Organization Chart

The applicant shall reflect the position of each staff and line of responsibility/supervision. (Include position title, name and full-time equivalency.) Both the "Organization-wide" and "Program" organization charts shall be attached to the Proposal Application.

IV. Service Delivery

Applicant shall include a detailed discussion of the applicant's approach to applicable service activities and management requirements from Section 2, Item III. - Scope of Work, including (if indicated) a work plan of all service activities and tasks to be completed, related work assignments/responsibilities and timelines/schedules.

At minimum, the following service activities will be required of the provider:

- The assertion and defense of quiet title actions;
- To protect, defend and assert ahupua'a and kuleana tenant rights, including rights of title and genealogy;

- Land title assistance, including review of title and genealogy;
- Preservation of traditional and customary practices;
- Protection of culturally significant places, including burial sites and material culture;
- Agency advocacy;
- Native Hawaiian Land Trust entitlements;
- Referral of cases in which the provider has a conflict-of-interest; and
- Community outreach and service activities.

V. Financial

A. Pricing Structure

Applicant shall submit a cost proposal utilizing the pricing structure designated by OHA. The cost proposal shall be attached to the Proposal Application.

No budget forms are required. However, applicant shall submit the cost proposal in an organized line item budget format with sufficient narrative to justify costs proposed.

B. Other Financial Related Materials

Accounting System

To determine the adequacy of the applicant's accounting system as described under the administrative rules, the following documents are requested as part of the Proposal Application (may be attached):

- Most recent independent financial audit.

VI. Other

A. Litigation

The applicant shall disclose any pending litigation to which it is a party, including the disclosure of any outstanding judgment. If applicable, please explain.

Section 4

Proposal Evaluation

Section 4

Proposal Evaluation

I. Introduction

The evaluation of proposals received in response to the RFP will be conducted comprehensively, fairly and impartially. Structural, quantitative scoring techniques will be utilized to maximize the objectivity of the evaluation.

II. Evaluation Process

The procurement officer, or an evaluation committee of designated reviewers selected by the OHA Administrator or the procurement officer, shall review and evaluate proposals. When an evaluation committee is utilized, the committee will be comprised of individuals with experience in, knowledge of, and program responsibility for program service and financing.

The evaluation will be conducted in three phases as follows:

- Phase 1 – Evaluation of Proposal Requirements
- Phase 2 – Evaluation of Proposal Application
- Phase 3 – Recommendation for Award

Evaluation Categories and Thresholds

<u>Evaluation Categories</u>		<u>Possible Points</u>
<i>Administrative Requirements</i>		
<i>Proposal Application</i>		100 Points
Program Overview	5 points	
Experience and Capability	20 points	
Project Organization and Staffing	15 points	
Service Delivery	50 points	
Financial	10 Points	
TOTAL POSSIBLE POINTS		100 Points

III. Evaluation Criteria

A. Phase 1 – Evaluation of Proposal Requirements

1. Administrative Requirements

2. Proposal Application Requirements

- Proposal Application Identification Form (Form SPO-H-200)
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial (All required forms and documents)
- Program-Specific Requirements (as applicable)
- Certification of Good Standing from the State Department of Commerce and Consumer Affairs
- Certification of Good Standing from the State Department of Labor and Industrial Relations
- Tax Clearance by the State Department of Taxation and the Internal Revenue Service

B. Phase 2 – Evaluation of Proposal Application (100 Points)

1. *Program Overview (5 points)*

OHA will evaluate the applicant's orientation for the existing program and services as they will be offered to the agency.

2. *Experience and Capability (20 Points)*

OHA will evaluate the applicant's experience and capability relevant to the proposal contract, which shall include:

A. Necessary Skills

- Demonstrated skills, abilities and knowledge relating to the delivery of the proposed services.
- Existing statewide service delivery system.

B. Experience

- At least five (5) years of delivering legal services to Hawaiians.
- Knowledge of Native Hawaiian culture and community.
- Effectiveness in identifying and targeting resources on the most pressing legal needs of the Native Hawaiian community.
- Proficiency in administrative proceedings, litigation and class action suits, and legislative advocacy.
- Ability to thoroughly, accurately and efficiently complete land title searches and genealogical research.

C. Quality Assurance and Evaluation

- Sufficiency of quality assurance and evaluation plans for the proposed services, including methodology.
- Proper recordkeeping system.

D. Coordination of Services

- Demonstrated capability to coordinate services with other agencies and resources in the community.
- Letters of Support from Agencies.

E. Facilities

- Adequacy of facilities relative to the proposed services – accessibility and effectiveness to beneficiaries on all of the Hawaiian Islands.

3. ***Project Organization and Staffing (15 Points)***

OHA will evaluate the applicant's overall staffing approach to the service that shall include:

A. *Staffing*

- Proposed Staffing: That the proposed staffing pattern, client/staff ratio, and proposed caseload capacity is reasonable to ensure viability of the services.
- Staff Qualifications: Minimum qualifications (including experience) for staff assigned to the program.
- Job Descriptions and/or Resumes of Staff

B. *Project Organization*

- Supervision and Training: Demonstrated ability to supervise, train and provide administrative direction to staff relative to the delivery of the proposed services.
- Organization Chart: Approach and rationale for the structure, functions, and staffing of the proposed organization for the overall service activity and tasks.
- Statewide service delivery system.

4. ***Service Delivery (50 Points)***

- Intake and Evaluation Procedures.
- Information and Referral System.
- Counseling Services.
- Land Title Research.
- Genealogical Research.
- Case Management System.
- Follow-up Services.
- Legislative Monitoring and Testimony.
- Administrative Hearings.
- Litigation.
- Referral of Conflict-of-Interest Cases
- Community Outreach Program.
- Community Services Program.
- Incorporation of Hawaiian Values in Service Delivery.

5. *Financial (10 Points)*

- Applicant's proposal budget is reasonable, given program resources and operational capacity.
- Adequacy of accounting system.
- Ability to develop and increase non-OHA resources.

C. Phase 3 – Recommendation for Award

Each notice of award shall contain a statement of findings and decision for the award or non-award of the contract to each applicant.